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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91165519
Party	Defendant Anncas, Inc.
Correspondence Address	JESUS SANCHELIMA, ESQ. SANCHELIMA & ASSOCIATES, P.A. 235 S.W. LE JEUNE ROAD MIAMI, FL 33134-1762 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Jesus Sanchelima
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Signature	/js/
Date	01/25/2008
Attachments	080125M.StrikeSuppRebNOR.pdf (2 pages)(94527 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CORPORACION HABANOS, S.A.,)	
)	
)	
v. Opposer,)	
)	Opposition No. 91165519
)	
ANNCAS, INC.,)	
)	
Applicant.)	
)	

**APPLICANT’S MOTION TO STRIKE OPPOSER’S SUPPLEMENTAL REBUTTAL
NOTICE OF RELIANCE AND REQUEST FOR LATE FILING AS UNTIMELY**

Pursuant to Trademark Rule of Practice 707.02(b)(1), Applicant ANNCAS, INC. (hereinafter “Applicant”), by and through undersigned counsel, hereby files its Motion to Strike CORPORACION HABANOS, S.A.’s (hereinafter “Opposer”) SUPPLEMENTAL REBUTTAL NOTICE OF RELIANCE AND REQUEST FOR LATE FILING (hereinafter “Supplemental Rebuttal NOR”), dated January 17, 2008, as untimely, and states the following in support thereof.

1. Opposer’s rebuttal testimony period ended on January 14, 2008.
2. On January 22, 2008, undersigned received a mailed copy of Opposer’s Supplemental Rebuttal NOR, which was dated and filed on January 17, 2008.
3. Counsel for Opposer admits in the first paragraph of the second page of its Supplemental Rebuttal NOR, that the reason for Opposer not timely filing the evidence was as a result of his inadvertence.
4. Typically, extensions of time should only be granted for good cause. See *In re Gena Laboratories, Inc.*, 230 USPQ 382, 383 n.4 (TTAB 1985); and *In re Randall & Hustedt*, 226 USPQ 1031, 1033 n.2 (TTAB 1985). Cf. *In re Gale Hayman Inc.*, 15 USPQ2d 1478, 1478 n.3 (TTAB 1990).
5. Inadvertence is not a good cause for not taking a mandatory action.

6. Applicant would be prejudiced by the acceptance of the subject submission, in that, undersigned did not receive a copy of the subject Supp. Rebuttal NOR until eight days after it had been filed, and he would now have to review additional documents to that which he already thought was the total.

WHEREFORE, Applicant ANNCAS, INC. respectfully requests that the subject Supp. Rebuttal NOR, which was untimely filed and without good cause, be forever stricken from the record in its entirety, including all attachments there under.

SANCHELIMA & ASSOCIATES, P.A.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true correct copy of the foregoing was served via U.S. First Class Mail, this ____ of March, 2007, to David B. Goldstein and Michael Krinsky, Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., Attorney for Opposer, 111 Broadway, 11th Floor, New York, New York 10006.

Respectfully submitted,

SANCHELIMA & ASSOCIATES, P.A.

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